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Item 32 of the preliminary list*
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 25 June 1990 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, for your information, the text of a memorandum, entitled "Manoeuvre of Viet Nam and the Vietnamese-installed régime in Phnom Penh aimed at rejecting the quadripartism and imposing the bipartism in the inter-Cambodian negotiations", which was adopted by the Council of Ministers of the National Government of Cambodia on 17 June 1990 (see annex).

I should be most grateful if you would arrange for the present letter and its annex to be circulated as a document of the General Assembly, under item 32 of the preliminary list, and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

* A/45/50.

ANNEX

Memorandum adopted by the Council of Ministers of the National Government of Cambodia on 17 June 1990

Manoeuvre of Viet Nam and the Vietnamese-installed régime in Phnom Penh aimed at rejecting the quadripartism and imposing the bipartism in the inter-Cambodian negotiations

For already more than 11 years, the Cambodian people and Cambodia, an independent, neutral and non-aligned country, have been victims of the Vietnamese aggression. In order to bring this conflict to an end, the National Government of Cambodia (NGC) and the Cambodian National Resistance (CNR) have urged Viet Nam, a party to the conflict, to negotiate directly with them with a view to seeking a comprehensive solution to the Cambodian problem, created by the Vietnamese aggression and occupation. Nevertheless, in their willingness to put an end as soon as possible to the war and unspeakable sufferings of the Cambodian people, the three components of the NGC and CNR, under the leadership of H.R.H. Samdech Norodom Sihanouk, have decided to make magnanimous concessions by accepting to consider the Vietnamese-installed régime in Phnom Penh as a party to peace negotiations. That is the reason which has led the four Cambodian parties to take part in the Jakarta Informal Meetings in 1988-1989-1990, the quadripartite meeting at La Celle-Saint-Cloud (France) in July 1989 and the Paris International Conference on Cambodia in July and August 1989.

It is also with the same spirit of compromise so as to arrive at a peaceful solution to the Cambodian problem in the framework of an overall political settlement, and in response to the wish expressed by the Five Permanent Members of the United Nations Security Council to see a resumption of a constructive dialogue among the four Cambodian factions, that H.R.H. Samdech Norodom Sihanouk put forward, on 4 April 1990, a proposal calling for a quadripartite meeting, and that the three parties of the CNR took part in the Tokyo meeting on 4 and 5 June 1990.

But instead of appreciating at its true value the goodwill that the NGC and the CNR have displayed in this regard, Viet Nam and its Phnom Penh régime have hardened their positions, and gone so far as to oppose negotiations among the four Cambodian parties, and demanded that the talks in Tokyo be held only between two parties, namely, the National Government of Cambodia and the régime installed in Phnom Penh by Viet Nam.

Therefore, Viet Nam and its Phnom Penh régime have done nothing but to impede all efforts made by H.R.H. Samdech Norodom Sihanouk, President of Cambodia and the CNR, and by the three parties of the NGC and the CNR, aimed at restoring independence and peace in Cambodia, by resorting ceaselessly to dilatory manoeuvres.

What are the aims of those manoeuvres?

They are aimed at:

1. Imposing the recognition of the Phnom Penh régime, creation and creature of Viet Nam, as a legitimate government of Cambodia in the same way as the National Government of Cambodia (NGC) recognized by the United Nations and the international community;

2. Making people believe that the Vietnamese war of aggression and occupation came to an end with the so-called "total withdrawal of Vietnamese forces" on 27 September 1990;

3. Presenting the war which is currently going on in Cambodia as a civil war between two Cambodian parties or two Cambodian governments;

4. Splitting up the National Government of Cambodia and the Cambodian National Resistance by trying to eliminate from the political settlement process of the conflict between Viet Nam and Cambodia, the Democratic Kampuchea party which has carried out, together with the other two parties, the national liberation struggle, and that the Vietnamese forces have failed for already more than 11 years to eliminate through military means.

Should Viet Nam and its Phnom Penh régime succeed in those manoeuvres:

1. Cambodia would be partitioned in two;

2. The numerous treaties, conventions and accords prepared by Viet Nam and signed by the Phnom Penh régime would become valid with all political, juridical consequences which would jeopardize the independence, unity and territorial integrity of Cambodia, in particular:

(a) The acceptance to place Cambodia under the Vietnamese occupation in the framework of the "Indochina Federation";

(b) The alienation of an important part of Cambodian national territory already annexed by Viet Nam;

(c) The validation of the so-called "Cambodian citizenship" given by Viet Nam through the Phnom Penh régime to several hundreds of thousands of Vietnamese nationals illegally settled in Cambodia in violation of the 12 August 1949 Geneva Convention on the protection of civilian persons in time of war;

(d) The formal recognition of the presence in Cambodia of tens of thousands of Vietnamese forces concealed or disguised under the uniforms of the soldiers of the Phnom Penh régime, and that of Vietnamese cadres who have been in fact directing the administrative apparatus of the Phnom Penh régime at all levels;

(e) The acceptance by the NGC and the CNR of the Vietnamese aggression and occupation and the "Vietnamization" of Cambodia as a fait accompli.

* * *

The manoeuvres of Viet Nam and its Phnom Penh régime aimed at artificially reducing the number of the Cambodian parties from four to two, constitute a major obstacle for peace negotiations, which are only to prolong the war.

The NGC and the CNR appeal to all countries committed to peace and justice resolutely to oppose these manoeuvres and to call upon Viet Nam to accept a comprehensive political settlement of the so-called "Cambodian problem" created by its aggression and occupation on the basis of the relevant United Nations resolutions on the situation in Cambodia and the summary of conclusions of the meetings of the five permanent members of the United Nations Security Council, in particular, those of the meetings of 15 and 16 January and 25 to 26 May 1990.

The three components of the NGC and the CNR are ready to participate in the work of the five permanent members of the United Nations Security Council to which the four Cambodian parties will be invited at the forthcoming meeting scheduled for July in Paris.

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I have the honour to transmit herewith, for your information, the text of a memorandum, entitled "Manoeuvre of Viet Nam and the régime installed in Phnom Penh by Viet Nam on the cease-fire", which was adopted by the Council of Ministers of the National Government of Cambodia on 17 June 1990 (see annex).

I should be very grateful if you would arrange for the present letter and its annex to be circulated as a document of the General Assembly, under item 32 of the preliminary list, and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

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ANNEX

Memorandum adopted by the Council of Ministers of the National Government of Cambodia on 17 June 1990

Manoeuvre of Viet Nam and the régime installed in Phnom Penh by Viet Nam on the cease-fire

1. HISTORICAL PRECEDENTS

In the historical precedents of the 1954 Geneva Agreement on the "cessation of hostilities in Indochina" and the 1973 Paris Agreement on "ending the war and restoring peace in Viet Nam", the cease-fires were part of the overall settlements of the problems at that time. In the afore-cited cases, the cease-fires were followed by the withdrawal of foreign forces within 90 days as of the date when the Agreement came into force. To ensure that the cease-fires were respected by all parties, an international control was instituted through an "International Commission of Control and Supervision". The foreign forces were confined into barracks, following the cease-fire, before being withdrawn. Therefore, there was no cease-fire without international control.

Furthermore, all those agreements have been deliberately violated by Viet Nam. That is why, in a comprehensive political settlement on Cambodia, it is absolutely indispensable that, inter alia, the withdrawal of all Vietnamese forces and the cease-fire be controlled and supervised by a United Nations international control mechanism and a United Nations peace-keeping force.

2. CURRENT SITUATION IN CAMBODIA

There has not been, on the contrary, an effective withdrawal of the Vietnamese armed forces from Cambodia as deceitfully claimed by the Socialist Republic of Viet Nam.

At present, nearly 100,000 Vietnamese soldiers wearing the uniforms of the Phnom Penh régime's army and militia, as well as in regular units, continue to fight against the National Government of Cambodia (NGC) and the Cambodian National Resistance (CNR) headed by H.R.H. Samdech Norodom Sihanouk. These facts have been confirmed by the Vietnamese soldiers captured on the battlefield, and amply substantiated by numerous pieces of evidence and impartial studies. According to a report of 26 April 1990 prepared by the "Task Force on Terrorism and Unconventional Warfare - House Republican Research Committee of the US House of Representatives", the number of Vietnamese troops stationing in Cambodia by mid-April 1990, was estimated as high as 64,340 to 66,740 (see appendix).

Since October 1989, in order to withstand the offensives mounted by the CNR, Viet Nam has successively sent new reinforcements in order to prop up at arm's length the shattering régime in Phnom Penh, as pointed out in the resolution of the Economic and Social Council adopted on 22 May 1990 which mentioned the subsequent reports of the return of foreign forces into Cambodia.

The return of the Vietnamese forces to Cambodia has been widely reported, notably in the London-based Jane's Defense weekly of 10 February 1990, The New York Times of 23 February 1990, the International Herald Tribune of 22 February 1990, The Guardian of London of 24 February 1990 and Le Monde of 9 February 1990, to cite only a few. The presence of Vietnamese forces in Cambodia engaging in combat against the CNR is irrefutable.

Given these conditions, it would be unjust to impose a cease-fire in Cambodia, thus depriving the Cambodian people of their sacred right to carry out their struggle for national liberation to recover the independence of Cambodia and to restore peace.

The NGC and the CNR together with all countries committed to peace and justice have reiterated their willingness to reach a comprehensive political settlement of the Cambodian problem on the basis of the relevant United Nations resolutions on the situation in Cambodia and the summary of conclusions of the five permanent members of the United Nations Security Council. The latter have looked into this problem since their Paris Meeting in January 1990, followed by three other meetings, the fourth being held in New York on 25 and 26 May 1990. In the last summary of conclusions, the Five clearly reaffirmed that "only a comprehensive political settlement will bring lasting peace and stability to Cambodia", and that a comprehensive political settlement must include specific provisions (see A/45/322-S/21373, para. 2).

Despite this legitimate demand of the world community, Viet Nam and the régime installed by Viet Nam in Phnom Penh have tried desperately to impose a cease-fire without United Nations monitoring. Through this manoeuvre, they aim at making people believe that the aggression war in Cambodia is a civil war and at deceiving the world community into accepting the Vietnamese fait accompli. Another objective is to give credence to a thesis according to which all the Vietnamese forces have already been pulled out of Cambodia.

In these conditions, to accept a cease-fire would be tantamount to renouncing the sacred struggle of national liberation that has been carried out for already more than 11 years to recover our independence and to restore peace within the territorial integrity of Cambodia. That would also amount to enabling the Vietnamese aggressors and the régime installed by Viet Nam in Phnom Penh to obtain on the negotiating table what they have failed to achieve on the battlefield. The NGC and the CNR as well as the world community cannot allow that situation to happen. In the case of a cease-fire without effective control and supervision, Viet Nam will continue to maintain its forces in Cambodia and to dispatch overtly or covertly reinforcements to perpetuate its occupation of Cambodia.

The cessation of hostilities through an effective cease-fire in Cambodia is an ardent wish of the Cambodian people and their National Government of Cambodia as well as the CNR, being victims of foreign aggression and occupation. However, the cease-fire should be part of a comprehensive solution to the problem if it is to be durable, and would become effective only at the time that an interim administration authority takes office, and the United Nations international control mechanism and the United Nations peace-keeping force becomes operational.

We avail ourselves of this opportunity to renew our firm and unreserved support to the summary of conclusions of the five permanent members of the United Nations Security Council. We appeal to all peace- and justice-loving countries to continue supporting a comprehensive political settlement of the Cambodian problem on the basis of the relevant United Nations resolutions on Cambodia and the summary of conclusions of the Five. In so doing, they will undoubtedly bring an invaluable contribution not only to the achievement of the just cause of the Cambodian people but also to the maintenance of world peace and security.

APPENDIX

Excerpts from "Task Force on Terrorism and Unconventional Warfare" - House Republican Research Committee - US House of Representatives, 26 April 1990

"... The current deployment of Vietnamese forces in Cambodia was accomplished in two phases. The first phase was accomplished during the 'withdrawal' of late 1989. Major PAVN units, and a few subordinate subunits, were left behind in key strategic locations. ... The second phase involved the still continuing insertion of small units into Cambodia to consolidate positions and garrisons in key military installations. From there, the PAVN subunits, independently or with subordinate RPKAF (Armed Forces of the People's Republic of Kampuchea) subunits, deploy to small posts and garrisons in the countryside, gradually expanding the area controlled by Hanoi and displacing the rural population ...

"The current deployment of PAVN forces and their RPKAF subordinates ... are controlled from a Corps Headquarters in south-east Pursat province where 7,000 PAVN troops are deployed. In early March 1990, the Corps Headquarters was in command of approximately 46,970 to 45,370 PAVN troops ...

"The parts of Cambodia dominated by the Corps are divided into two strategic echelons (S.E.): The Western command is the 1st S.E., which is divided into two Fronts. The northern Front is devoted to dealing with the freedom fighters operating from Thailand. The southern Front is devoted to securing the main lines of communication from southern Vietnam and the Cambodian shore line. The 2nd S.E. is the Eastern command which is devoted to controlling the Cambodian interior and especially ground and river transportation.

"This command structure remained intact even during the height of the Vietnamese 'withdrawal'. Indeed, the Corps Headquarters and its approximately 7,000 troops remained inside Cambodia well into late-1989, with control of the northern Front of the 1st S.E. accomplished by two 'stay-behind' PAVN Regiments (1,200 and 3,000 troops respectively). These regiments, in turn, controlled 3 RPKAF divisions (286th, 5th and 81st) with PAVN core elements, as well as 2 RPKAF divisions (190th and 4th) with only PAVN special forces elements, all deployed along the Thai border. The control of the southern Front of the 1st S.E. was accomplished through a single 'stay-behind' PAVN Regiment (5,000 troops specialized in internal security). This regiment also controlled 2 RPKAF divisions with PAVN core elements deployed along the Tonle River. During the 'withdrawal', the control of the 2nd S.E. was accomplished through 2 PAVN Regiments (3,000 troops each) in the eastern Kompong Cham province near the Vietnamese border. A RPKAF division with a PAVN core unit in the center of the province was subordinated to this force. All together, approximately 27,060 troops remained in this deployment in Cambodia when the 'withdrawal' was completed."

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SECURITY COUNCIL
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Letter dated 25 June 1990 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, for your information, the text of a memorandum, entitled "Why does Viet Nam reject peace efforts on Cambodia of the five permanent members of the United Nations Security Council?", which was adopted by the Council of Ministers of the National Government of Cambodia on 17 June 1990 (see annex).

I should be very grateful if you would arrange for the present letter and its annex to be circulated as a document of the General Assembly, under item 32 of the preliminary list, and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

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ANNEX

Memorandum adopted by the Council of Ministers of the National Government of Cambodia on 17 June 1990

Why does Viet Nam reject peace efforts on Cambodia of the five permanent members of the United Nations Security Council?

1. Since January this year, the five permanent members of the United Nations Security Council have conducted a series of meetings on Cambodia. They adopted on 16 January 1990 the 16-point principles for a comprehensive political settlement of the Cambodian problem, in conformity with the relevant United Nations resolutions on Cambodia over the past 11 years. They have elaborated modalities for a settlement involving an enhanced United Nations role in Cambodia.

2. During their last meeting of 25 and 26 May 1990 in New York, the Five reiterated that "only a comprehensive political settlement will bring lasting peace and stability to Cambodia", and that "a comprehensive political settlement must include specific provisions: (see A/45/293-S/21318, annex, pp. 2-3).

> "(a) To ensure the verification of the withdrawal of all foreign forces and the cessation of external military assistance, a durable cease-fire, the regrouping of the armed forces of the factions into designated cantonment areas, all under the control of an effective United Nations peace-keeping operation;
>
> "(b) To establish formally a supreme national council;
>
> "(c) To ensure free and fair elections for a constituent assembly under United Nations auspices;
>
> "(d) To enshrine the fundamental human rights and freedoms which the Cambodian people must enjoy, together with the necessary protections and guarantees;
>
> "(e) To provide a system of guarartees for the independence, sovereignty, territorial integrity and inviolability, neutrality and national unity of Cambodia.".

3. All these efforts of the five permanent members of the United Nations Security Council have been flatly rejected by Viet Nam which has instead been trying to impose a cease-fire without a comprehensive political settlement and the United Nations control and supervision, thus preventing the Cambodian people from carrying out their sacred struggle for national liberation and independence.

4. Why is Viet Nam so desperately opposed to the legitimate demand of the world community and the Five to bring about a comprehensive political settlement to the Cambodian problem involving an enhanced United Nations role? This can only be explained by the fact that:

(a) Viet Nam is not ready to relinquish its strategy of annexing Cambodia into its "Indochina Federation";

(b) Viet Nam still maintains nearly 100,000 of its troops in Cambodia, and continues to dispatch new reinforcements to fight against the Cambodian National Resistance. And more than one million Vietnamese settlers continue to stay in Cambodia.

According to the report of 26 April 1990 of the Task Force on Terrorism and Unconventional Warfare - House Republican Research Committee - US House of Representatives, the number of Vietnamese troops stationing in Cambodia by mid-April 1990 was estimated as high as 64,370 to 66,740 men;

(c) Viet Nam tries hard to keep the Vietnamese-installed régime in place as a smoke-screen to perpetuate its occupation of Cambodia.

By opposing United Nations control and supervision and by trying to keep in place its Phnom Penh régime, Viet Nam wants to conceal its forces in Cambodia and to pursue its occupation of the country.

5. Should Viet Nam succeed in its manoeuvres, would the Cambodian people be able to determine their own destiny or exercise their right to self-determination? Would the elections be free, fair and democratic? Would regional peace, security and stability be safeguarded?

If Viet Nam has really nothing to hide in Cambodia, it has no reason to fear the control and supervision to be carried out by the United Nations international control mechanism and the United Nations peace-keeping force, which will be entrusted with other mandates, including the prevention of any one Cambodian party from abusing its forces to monopolize power or to dominate the other Cambodian parties.

6. With a view to contributing to an early restoration of peace and independence in Cambodia and to promoting national reconciliation among Cambodians, the three components of the National Government of Cambodia and the Cambodian National Resistance renew their full support to the summary of conclusions of 26 May 1990 of the five permanent members of the United Nations Security Council for a comprehensive political settlement of the Cambodian problem, and are ready to participate in the work of the Five to which the four Cambodian parties will be invited at the next meeting scheduled for July 1990 in Paris.

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Letter dated 26 June 1990 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, for your information, the statement issued on 17 June 1990 by the Spokesman of the Ministry for Foreign Affairs of the National Government of Cambodia on the Angkor peace zone (see annex).

I should be very grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 32 of the preliminary list, and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

* A/45/50.

ANNEX

Statement issued on 17 June 1990 by the Spokesman of the Ministry for Foreign Affairs of the National Government of Cambodia on the Angkor peace zone

The National Government of Cambodia would like to point out once again the issue of the Angkor peace zone, as follows:

1. Over the past more than 11 years, the Angkor zone, like Cambodia as a whole, has suffered serious destructions caused by the Vietnamese aggressors and their puppets. As far as the Angkor Wat and other many century-old monuments, the Cambodian national cultural heritage, are concerned, the Vietnamese aggressors and their puppets have plundered a great many statues and other objets d'art, sent them to Viet Nam or to international markets. In addition, they have fired bullets and committed other acts of vandalism causing great damage in many places of those monuments. Such despicable acts square fully with their policy to eliminate the Cambodian national cultural heritage in conformity with the "Vietnamization" of Cambodia. Even trees in the surrounding areas of those monuments have not been spared by the Vietnamese aggressors, who have felled them and transported them to Viet Nam.

2. The National Government of Cambodia (NGC) and the Cambodian National Resistance (CNR) headed by H.R.H. Samdech Norodom Sihanouk, have time and again brought this matter to the attention of the world community.

For their part, the NGC and CNR have done their utmost to protect and preserve the monuments they have liberated.

Furthermore, in our activities at Siemreap front, we have done nothing that could harm the Angkor monuments, and we have never carried out the fighting in the Angkor compounds.

The sole objective of our current struggle has been and continues to be the liberation of Cambodia, including the Angkor Wat monument, one of the monuments of the historic cultural heritage of Cambodia and of mankind, as well as other monuments currently under Vietnamese occupation.

3. The NGC and CNR have on many occasions called for the setting up of the Angkor peace zone. Here again, we would like to reiterate that proposal, with the following concrete steps to be taken:

First, the withdrawal from the Angkor zone of all the armed forces, including the Vietnamese occupying forces, who are now stationed in the forests within the Angkor compounds and in the monuments themselves;

Second, the deployment in the Angkor peace zone of the staff of the United Nations international control mechanism, who will, with the participation of the representatives of the four Cambodian parties, verify that no armed forces remain in the declared neutral zone;

Third, after the withdrawal of all the armed forces and once the staff of the United Nations international control mechanism is deployed in the peace zone, the NGC and CNR will welcome the international community for the work of preservation and restoration of the Angkor monuments.

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Item 103 of the preliminary list*

CRIME PREVENTION AND CRIMINAL JUSTICE

Implementation of the resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

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I. INTRODUCTION

1. The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 22, requested that at the Eighth Congress there be an examination of the new dimensions of criminality in the context of development on the basis of the information provided by Member States on the results achieved in the implementation of the resolutions and decisions of the Seventh Congress. 1/

2. In its resolution 40/32 of 29 November 1985, the General Assembly endorsed the resolution and approved the Milan Plan of Action, 2/ as a useful and effective means of strengthening international co-operation in the field of crime prevention and criminal justice. It also recommended the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order 3/ for national, regional and interregional action.

3. In pursuance of the request of the Assembly in paragraph 8 of that resolution, the Committee on Crime Prevention and Control, at its ninth session, made recommendations on the implementation of decisions of the Seventh Congress, 4/ which were approved by the Economic and Social Council in its resolution 1986/10 of 21 May 1986. Furthermore, the Council, in paragraph 4 of resolution 1987/49 of 28 May 1987, invited Member States to submit, for consideration by the Eighth Congress, information to the Secretary-General on the implementation of the recommendations of the Seventh Congress in order to ensure continuity. On 23 August 1989, the Secretary-General requested Member States to provide the relevant information.

4. In accordance with General Assembly resolutions 42/59 of 30 November 1987 and 43/99 of 8 December 1988, reports of the Secretary-General were submitted to the General Assembly on the progress in implementing the Milan Plan of Action (A/43/572 and A/44/400). They included information from 26 Governments.

5. The General Assembly, in resolution 44/72 of 8 December 1989, invited those Governments which had not yet done so to provide relevant information, and requested the Secretary-General to submit to the Eighth Congress and to the Assembly at its forty-fifth session a report on the implementation of the recommendations of the Seventh Congress. As at the end of April 1990, replies had been received from the following 23 States: Argentina, Australia, Czechoslovakia, Egypt, Finland, Germany, Federal Republic of, Holy See, Indonesia, Iraq, Israel, Japan, Kenya, Mexico, Norway, Panama, Philippines, Poland, Rwanda, Singapore, Sweden, Tunisia, Union of Soviet Socialist Republics and United Kingdom of the Great Britain and Northern Ireland.

6. The present report is based on the new information received from those States and is structured according to the substantive agenda items of the Seventh Congress. It also contains information submitted by six Governments, i.e., Austria, Byelorussian Soviet Socialist Republic, China, Netherlands, Spain and Togo, after July 1989, which, owing to its late receipt, could not be included in the previous report to the General Assembly (A/44/400). It will be appreciated

that the receipt of so few replies makes this report far from comprehensive. No information has been received from 142 Governments.

II. NEW DIMENSIONS OF CRIMINALITY AND CRIME PREVENTION IN THE CONTEXT OF DEVELOPMENT: CHALLENGES FOR THE FUTURE

7. One of the major achievements of the Seventh Congress was the adoption of the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order. Seven other resolutions were adopted under topic 1 on the following subjects: organized crime; the struggle against illicit drug trafficking; international co-operation in drug abuse control; establishment of an African Regional Institute for the Prevention of Crime and the Treatment of Offenders; technical co-operation in the field of crime prevention and criminal justice; criminal justice in the context of development; and criminal acts of a terrorist character.

A. The Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order

8. Responding Governments emphasized their efforts to strengthen national policies, in line with the Milan Plan of Action and other recommendations of the Seventh Congress, and international co-operation in crime prevention and criminal justice. They indicated that those provisions were either already fully implemented in national legislation and policies or that efforts were being made to do so. The Government of Norway reported that the Milan Plan of Action had been implemented in "its totality". The Government of the Federal Republic of Germany confirmed that it fully endorsed the recommendations of the Seventh Congress. The Governments of Iraq and Tunisia stated that their concepts regarding the prevention of crime and the treatment of offenders were fully in line with the guidelines and rules adopted by the Seventh Congress.

9. The Guiding Principles were reflected in the new Constitution of the Philippines. The Government of Rwanda stated that its legislation was entirely in harmony with the resolutions of the Seventh Congress. In Czechoslovakia, a number of measures had been adopted to apply the Milan Plan of Action to the country's crime prevention strategies. In the Netherlands, prevention of large-scale crime was emphasized in line with the Milan Plan of Action.

10. China attached great importance to the Milan Plan of Action and stated that it was a useful tool for enhancing crime prevention measures to improve criminal justice systems and strengthen international co-operation. It had taken steps to implement them.

11. Sweden observed that many of the recommendations contained in the Milan Plan of Action were substantively similar to its crime prevention and criminal justice goals. The National Council for Crime Prevention had an extensive programme of studies and research on crime and criminal justice.

B. Crime prevention and law reform

12. Other Governments reported on new crime prevention measures, recent law reform initiatives and a number of other activities, including reforms of criminal law and procedure recently effected. In Austria, the Criminal Law Amendment Act (1987) comprised the first major reform of substantive criminal law since the new Austrian Penal Code had been adopted in 1974. In addition, a number of changes had been brought about to the Code of Criminal Procedure and to the Act on the Execution of Sentences. The provisions of the new Penal Code reduced prison sentences, exempted minor cases from punishment, facilitated conditional release, penalized computer fraud and data damage and promoted environmental protection. The Code of Criminal Procedure was amended by several new provisions, including the protection of victims, the right of defendants in remand to confidential communications with defence counsels, and the right to have the decisions of criminal courts reviewed by a higher court.

13. The Government of Finland reported that it was revising its Penal Code, primarily in regard to property offences. The criminal sanctions for theft and other traditional offences had been reduced. New forms of crime, such as computer crime and misuse of public grants, had led to redefining existing offences and introducing new offence categories. The reform dealt also with crimes of violence, crimes against the State, environmental crimes, and work regulation violations. The new law on police investigation, which came into force on 1 January 1989, specified police powers and introduced shortened maximum periods for holding a suspect in police detention. The Finnish prison population has steadily decreased over the past 13 years.

14. The Government of Panama reported that a new Code of Civil and Penal Procedure had been adopted in 1987 and described its efforts to reduce crime through the rehabilitation and reintegration of offenders in society, as provided by article 28 of its Constitution.

15. In Spain, new laws were passed amending the Criminal Code and the Criminal Prosecution Law. Constitutional Law 3/1989, updated the Criminal Code, reduced the number of criminal offences, limited the scope of criminal law to the most serious forms of unlawful behaviour, modified the rules for prosecution in cases of careless driving, and strengthened measures to protect the most vulnerable parties in cases of family desertion and non-compliance with maintenance obligations.

16. The Government of the United Kingdom of Great Britain and Northern Ireland reported that a major programme of legislative reform had defined police powers, increased penalties for drug trafficking and tackled issues of public order and the misuse of firearms. This programme had also created the Crown Prosecution Service, through the Prosecution of Offences Act, an entirely new structure applying nationally consistent standards. The programme responded to the changing nature of crime by providing the police and courts with the requisite powers and penalties, while protecting individual freedom. Major new acts of recent years were the following: the Police and Criminal Evidence Act 1984; the Prosecution of Offences Act 1985; the Public Order Act 1986; the Drug Trafficking Offences Act 1986; the

Fire Arms (Amendments) Act 1988; the Criminal Justice Act 1988; and the Prevention of Terrorism Act 1989.

17. In many of the replies, it was underlined that the enforcement of criminal law was only one of the means of crime prevention and control and that a more effective programme required a cross-sectoral approach in planning and implementation by establishing co-ordinating mechanisms with representatives of the criminal justice sub-systems and other experts and with the community. For example, in Finland, a national board for crime prevention was set up by a Government decree of 1989. Its tasks would include the co-ordination of crime prevention activities, promotion of projects aimed at crime prevention and collection and dissemination of information on crime prevention options. Israel had created the following national organizations to co-ordinate efforts to combat crime and promote the rehabiliation of offenders: the National Council for Crime Reduction; the Anti-Drug Authority of Israel; and the Prisoner Rehabilitation Authority. In the Netherlands, the policy plan on "Co-operation and Criminality" was adopted. More than 200 crime prevention projects related to physical planning, education, welfare and judicial intervention, as well as on scientific evaluation of the results achieved, had been undertaken. A department was formed in the Ministry of Justice to promote crime prevention and formulate government policy on the private security industry and the organization of assistance to victims of crime and to maintain links with the local authorities.

C. Crime prevention and socio-economic development

18. In several of the responses it was noted that criminal justice should be seen in connection with socio-economic development and the changing conditions and requirements of society. Indonesia stressed that changes in the economic and social fields were accompanied by appropriate criminal justice reforms, that is, through the reform of the Code of Criminal Procedure. More acceptable and humane concepts regarding the treatment of offenders were being introduced. Alternatives to incarceration and judicial intervention had been established. Crime prevention strategies were formulated in the present socio-economic context appropriate to the society's developmental stage, its traditions and customs.

19. Iraq gave special attention to the relationships between criminality and such factors as poverty, inequality, illiteracy and unemployment. It reported the enactment of the Social Welfare Law, the Public Health Law, and the Compulsory Education and Literacy Law. Rwanda reported that efforts to improve living conditions and the delivery of justice and to eliminate discrimination had contributed to the curtailment of crime.

20. Panama underlined the direct relationship between the increase in crime and certain aspects of development such as demographic changes, population growth, urbanization, industrialization, housing, migration and job opportunities. Unemployment, which was a persistent problem, particularly among youth, was considered by Tunisia as a key contributory factor to crime. It would be necessary, therefore, to use national organizations and co-ordinated efforts by the

Government to create employment opportunities for youth in order to prevent deviant behaviour.

21. Kenya emphasized that, since independence, it had witnessed rapid socio-economic and political changes resulting in new patterns of criminal behaviour. Crimes such as robbery had increased and new types of crime had developed. The Government had embarked on crime-related research and planning. A national committee on crime prevention and control was being considered to formulate appropriate policies with the assistance of a national crime research institute. The Kenya Law Reform Commission was working on depenalizing a wide range of minor offences. Court procedures were being simplified and legal aid centres were being made available.

22. The Mexican Government's policies for the promotion, protection and effectiveness of social justice, fundamental liberties and human rights had been incorporated into the National Development Plan for 1989-1994.

D. Improvements in the criminal justice system

23. The Government of the Philippines reported that the United Nations guidelines and norms for the treatment of offenders, juvenile justice, independence of the judiciary and other standards had been reflected in its legal reforms. A National Crime Prevention Programme had been formulated, which aimed at ensuring due process, reducing judicial delay and safeguarding the rights of both victims and offenders.

24. In Czechoslovakia, the system of criminal justice and the quality of its functioning were considered essential conditions for protection against criminality and for safeguarding civil rights and freedoms. The sweeping political change had accelerated progress and had made possible legislative reforms. The Act of the Federal Assembly, of 13 December 1989, codified amendments to the Penal Code and the Code of Penal Procedure. Some criminal offences were deleted - abuse of religious office, penetration into the territory of the Republic and obstructing supervision over churches and religious organizations; prison penalties were reduced, for example, for leaving the Republic illegally, obstructing the duties of a public agent, and "parasitism"; new criminal offences were established, for example, interfering with the independence of courts and endangering the environment; and safeguards protecting personal freedom were strengthened, for example, by limiting the maximum duration of detention. Work on improving the quality of the criminal justice system was being undertaken. Problems were being studied, such as the structure and status of criminal courts, the nature and competence of prosecutors, the jurisdiction and structure of police, and the protection of citizens' rights in the envisaged system of court administration. It was expected that the Basic Principles on the Independence of the Judiciary, 5/ the Code of Conduct for Law Enforcement Officials 6/ and the new guidelines on the role of the prosecutor would be incorporated.

25. In 1989, Poland set up the Criminal Law Reform Commission to elaborate a new draft criminal code and code of criminal procedure. At the same time, amendments

were introduced into the criminal legislation to humanize penalties. For instance, new Rules of Execution of the Penalty of Deprivation of Liberty entered into force. Financial resources and police staff were reallocated in order to strengthen crime prevention efforts and new "prevention detachments" of the civic police were created.

26. The Union of Soviet Socialist Republics reported a broad process of legislative reforms in substantive criminal law, criminal procedure and correctional matters. Measures had been taken to democratize and humanize the law and its enforcement. The Soviet Union was formulating an all-Union programme for 1990-1995 to provide for improving the Constitution, fundamental legislative instruments and other legal documents that affect personal rights. In accordance with the Decree of the Supreme Soviet of 4 August 1989, "On the decisive intensification of measures to combat crime", a Temporary Crime Control Committee and local temporary committees were established aiming at eradicating conditions that breed crime and at improving machinery for protecting citizens' rights and interests. To promote the democratization of social processes, openness (glasnost) and the free exchange of information, the provisions criminalizing "anti-Soviet agitation and propaganda" were deleted from the criminal codes of the Union republics.

27. In the Byelorussian Soviet Socialist Republic, the criminal justice system was being reviewed and efforts made to ensure the widest possible participation of the community in crime prevention. Reorganization of the criminal justice system was in progress to buttress the authority of the courts and to guarantee their independence. Draft fundamentals of criminal legislation had been prepared for general public discussion. A considerable degree of decriminalization, a sharp reduction in the number of offences punishable by death, the shortening of sentences involving deprivation of liberty, and the extension of non-custodial penalties were proposed.

E. Measures against national discrimination and apartheid

28. Several of the responding States reported on measures to eradicate racial discrimination and other forms of oppression and discrimination. Austria reported measures according to which any person would be liable for punishment who, publicly or in a way that could endanger public order, induced or provoked someone to commit a hostile act against a church or a religious society or against any group who belonged to such a church or religious society, or against a group of any race, any people, any tribe or of any other State. Even though racial discrimination was not thought to be a major problem in Finland, it was proposed to introduce a new, more extensive statute covering all kinds of discrimination on the basis of race, ethnic characteristics, sex and political beliefs. Indonesia stated that since independence, racial discrimination or apartheid was incompatible with the Constitution. Panama underlined that it was party to the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII), annex) and that its Penal Code provided for punishment of behaviour directed towards or connected with apartheid. Rwanda's legislation raised to the level of a constitutional principle the equality of all citizens

before the law, without any discrimination on grounds of colour, origin, ethnic group or tribe. Spain stated that the prohibition of racial discrimination was reflected in its Constitution. Although racial discrimination was not deemed to be a problem in Poland, it was criminalized by the Penal Code.

F. International co-operation

29. Improved bilateral and multilateral co-operation was regarded as a crucial part of crime prevention and criminal justice policies. International co-operation was being developed through international instruments and their implementation at the regional and interregional levels. Austria had ratified the conventions of the Council of Europe on mutual assistance and the transfer of proceedings in criminal matters, extradition, and the supervision of offenders, and has concluded corresponding bilateral agreements. Finland took part in the crime prevention activites of the Nordic countries. Czechoslovakia was incorporating in its internal legislation all commitments assumed under international conventions and agreements on crime prevention and the treatment of offenders. Israel reported that it had signed memoranda of understanding with other States regarding co-operation in law enforcement and public safety. In Indonesia, international co-operation became more effective, especially with regard to extradition, but it was felt that its national crime prevention programme did not receive appropriate international assistance. The Government of Rwanda had concluded judicial co-operation agreements with neighbouring countries, through the Judicial Co-operation Agreement on Extradition and Commissions Rogatory, signed between the member countries of the Economic Community of the Great Lakes Countries and the Protocol thereto on assistance between those countries in criminal matters. Similar agreements had also been concluded with Uganda. The Government of Togo reported that it had signed and ratified conventions on extradition and mutual judicial assistance with many African States: a multilateral treaty with Benin, Ghana and Nigeria was in force. Spain had signed a number of multilateral instruments and bilateral treaties on co-operation and mutual assistance in criminal matters. As a result of the Criminal Justice Act 1988, the United Kingdom had become a full party to the European Convention on Extradition.

30. Several of the 29 responding Governments expressed appreciation for the role of the United Nations in the preparation of model instruments suitable for use as international and regional conventions and as guides for national legislation. Mexico indicated that the draft model treaty on mutual assistance in criminal matters had guided the preparation of a legal treaty signed with the United States of America.

31. Other responding countries had strengthened their collaborative relations with United Nations bodies, including the regional and interregional institutes. The Union of Soviet Socialist Republics concluded an agreement with the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations (HEUNI). The memorandum of understanding signed between the Australian Institute of Criminology and the Centre for Social Development and Humanitarian

Affairs is another example of increased collaboration between the United Nations and interested scientific institutions.

32. Finland is the host country of the Helsinki Institute for Crime Prevention and Control. The Institute is financed by that Government and by contributions from Denmark, Norway and Sweden. Several Polish institutions have co-operated closely with the Helsinki Institute and the United Nations Interregional Crime and Justice Research Institute, as well as with national crime prevention and control organs in various ways (seminars, exchange of data, collaborative research, scholarships etc.). The Ministry of Justice and the Research Institute on Judicial Law had organized, in co-operation with HEUNI, the European Seminar on the Computerization of Criminal Justice Information System, which had been held at Popowo, Poland, in 1987.

33. Panama considered that United Nations regional and interregional institutes should be strengthened, expressing the view that a strengthened United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) would be able to extend greater assistance to the region.

34. Japan concentrated its efforts on the implementation of the resolutions and recommendations of the Seventh Congress mainly through the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), which enjoys the full administrative and financial support of its Government. The Philippines considered UNAFEI to be a model of effective international co-operation. It cited as an example a joint Japan-Philippines seminar on crime prevention and criminal justice, funded by the Japan International Co-operation Agency.

35. The Government of Uganda is host to the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) at Kampala. It is to be financed by African States, according to the Organization of African Unity scale of assessments, with initial support from the United Nations Development Programme (UNDP). Togo expressed its interest in participating in the work of UNAFRI. It also welcomed the possibility of technical assistance, particularly a UNDP-supported programme, to improve the country's criminal justice system.

G. Measures against the most serious forms of crime

36. The responses expressed concern about the escalation of organized crime, particularly illicit drug trafficking, and its enormous social and economic costs as especially harmful forms of criminal activity that required new and improved legal remedies and administrative action at the national and international levels. Intensified efforts were reported to prevent, prosecute and control those forms of criminal activity through the modernization of national criminal laws and procedures, national campaigns against drug abuse, strengthening law enforcement authorities, national crime prevention councils and anti-corruption commissions, revised tax laws, and stringent regulations on the transfer of funds or proceeds of organized crime across national boundaries.

37. In Argentina, a new law on narcotic drugs amended the relevant rules in the Criminal Code and the previous law. Its article 42 provided for action to inform teachers, organized community groups and the public in general of the international treaties signed by Argentina, the policies and strategies of the relevant international organizations and the progress of scientific research on narcotic drugs.

38. Australia had contributed to the formulation of the draft bilateral model treaty on mutual assistance in criminal matters to be considered by the Eighth Congress. During 1987 and 1988, a legislative package of more sweeping measures to deal with organized crime was introduced into the Australian Federal Parliament. It consisted of the Telecommunications (Interception) Amendment Act, the Proceeds of Crime Act, the Cash Transaction Reports Act, the Extradition Act, and the Mutual Assistance in Criminal Matters Act. The main purpose was to strike at the heart of organized crime by depriving persons involved of the profits and instruments of their crimes.

39. Government and community agencies in Egypt were giving considerable attention to the protection of both individuals and society from the harmful effects of addiction. A modern social and psychological approach had been developed for the treatment of addicts and care for their families. The first Arab Conference on Countering the Problems of Addiction (Prevention, Treatment and Follow-up) was held in Cairo from 13 to 16 September 1988 and its recommendations were being implemented.

40. In Israel, amendments to the Dangerous Drug Ordinance, passed in Parliament in July 1989, extended police authority to conduct searches and increased penalties for illicit drug trafficking, provided for asset forfeiture and treatment of drug users. In Czechoslovakia, penal legislation was being amended to provide expanded protection against the spread of AIDS, hostage taking, vandalism and drug abuse, as well as for increased environmental protection. In Indonesia, a major effort to control illicit drug trafficking and abuse was launched by enforcement of the Narcotics Act, an anti-narcotic campaign and control of prisoners and their visitors.

41. Mexico reported amendments to the Criminal Code, under which maximum imprisonment for membership in a criminal association or organization was increased from six to eight years. The Government had strengthened its capacity to combat illicit drug trafficking through the creation of a new office of the Assistant Attorney-General. The President of the Republic, on 14 December 1988, proposed to the National Congress a package of reforms to the Federal Criminal Code aimed at increasing punishment for drug trafficking and violations of the Federal Firearms and Explosives Act. Though drug abuse was not yet a serious problem in Mexico, measures to promote research, education, community participation, medical care and legal assistance had been adopted and were co-ordinated by the National Council against Addiction, chaired by the Secretary of Health. The Office of the Attorney-General of the Republic had set up committees presided over by government authorities and drawing their membership from among parents, teachers, neighbourhood organizations, civic associations, and health, educational, justice and public security institutions. More than 1,000 such committees, along with some

10,000 sub-committees, were at work throughout the country in the areas of greatest risk with preventive programmes.

42. The Netherlands outlined the following three main aspects of its drug policy: reducing demand through information campaigns and by deglamourizing drug use and decriminalizing certain forms of drug use; adopting more effective criminal law measures against those trafficking in drugs; and international co-operation. In Spain, constitutional laws 1/1988 of 24 March and 3/1988 of 25 May had been enacted, which amended the provisions of the criminal code on illicit drug trafficking and on the activities of armed gangs, terrorists and insurgents. A special office of the Public Prosecutor for the Prevention and Suppression of Illicit Drug Trafficking had been established. New provisions of the Penal Code were being elaborated in Poland to prevent and control opportunities for that type of criminality that might arise from the changes in its economic system. A national campaign against drug abuse had been conducted.

43. In reaction to increasing drug abuse, the Philippines had adopted a Programme of Action for the Prevention and Control of Drug Abuse. Initiatives had been taken to combat organized crime and terrorism. A national council, composed of governmental and non-governmental oranizations, serves as a unified mechanism entrusted with carrying out a national programme to prevent criminality, terrorism and the disruption of public order.

44. Rwanda reported that its Criminal Code provided for severe penalties for the cultivation, sale, transport, possession and consumption of narcotic drugs, as well as for armed robbery. The Government of Togo was implementing the Law on Illicit Drug Trafficking of 1989. A law on money counterfeiting had been promulgated in 1988. National campaigns against drug abuse had been organized in co-operation with the National Commission for the Prevention of Drug Abuse and with youth and workers' organizations.

45. In the Soviet Union, a range of legislative measures to combat organized crime was being formulated. Consideration was being given to introducing criminal liability for creating and directing crime syndicates and to the admissibility of evidence obtained by means of modern technology. The Presidium of the Supreme Soviet of the Russian Federal Soviet Socialist Republic had adopted a decree to counter racketeering. The Second Congress of People's Deputies (December 1989) resolved to regard the struggle against crime, particularly its organized forms, as a task of the greatest importance to the State as a whole. The Council of Ministers had been instructed to formulate measures to eliminate the conditions giving rise to the shadow economy, corruption, mismanagement and wastefulness, all recognized as a breeding ground for organized criminality.

H. International collaboration against organized crime, illicit drug trafficking and terrorism

46. Responding Governments reported increased activity at the international level in order to combat organized crime, illicit drug trafficking and terrorism, including becoming parties to relevant multilateral treaties and entering into

bilateral treaties on extradition and mutual legal assistance. The Mexican Government stated that drug trafficking was an international crime that must be fought through multilateral action by the affected countries and within the framework of the United Nations. At the regional level, Mexico had increased its participation in the work of the Inter-American Drug Abuse Control Commission. Rwanda reported that it had become party to the single Convention on Narcotic Drugs of 1961 7/ and the Convention on Psychotrophic Substances of 1971. 8/

47. The Netherlands Government had adopted a bill on new procedures for tracing, freezing and confiscating criminal assets. In the operational sphere, 13 foreign drug liaison officers are based in the Netherlands, while drug liaison officers of the Netherlands are stationed in Thailand, Pakistan and Venezuela and with INTERPOL. The seizure and confiscation of illegal funds were discussed by the Philippines Dangerous Drugs Board, in collaboration with other Asian countries in a seminar held at Manila from 9 to 29 February 1988, with the financial support of the United Nations Fund for Drug Abuse Control.

48. The United Kingdom indicated that the Drug Trafficking Offences Act 1986 provided police and customs with important new powers to trace, freeze and confiscate the proceeds of drug trafficking and to combat money laundering. The Act provided for restraint and confiscation orders made by courts in England and Wales against offenders convicted there, to be enforced against assets held overseas, and vice versa. This would apply to countries and areas with which mutual enforcement agreements had been concluded: Australia, the Bahamas, Bermuda, Canada, Spain, Switzerland and the United States. Under this law, the police also had new powers to investigate bank accounts and other possible sources of terrorist funds; assets could be frozen as soon as criminal proceedings began and, if a conviction followed, the court could order the forfeiture of money or property intended for terrorist use.

49. Spain reported that the Hispano-Portuguese agreement on co-operation in the struggle against drugs had been signed in Lisbon on 27 January 1987, and an agreement had been signed with the United Kingdom on 27 June 1989 for the prevention and suppression of illicit drug trafficking and drug abuse. In 1988 Spain signed the Convention of the Conference of Justice Ministers of Spanish and Portuguese-American countries and the Philippines on the communication of criminal records and information on criminal judgements for illicit trafficking in narcotic drugs and psychotropic substances. It also signed a number of multilateral instruments within the Council of Europe and bilateral treaties with Argentina, Austria, Brazil, Canada, Costa Rica, Ecuador, Hungary, Mexico, Peru, the United Kingdom, the United States and Venezuela.

50. The Soviet Union stressed that success in controlling transnational crime depended to a large extent on the united efforts of all States, both bilateral and multilateral. It is a party to all current conventions against international terrorism. With a view to increasing the effectiveness of measures to combat international terrorism and illicit drug trafficking, the concerned law enforcement agencies of the Soviet Union were stepping up bilateral co-operation with police organizations in the United States of America, the Federal Republic of Germany, the United Kingdom, Italy and other countries, as well as with other States, in ways that include the use of United Nations channels.

51. Spain had signed and the Soviet Union had ratified the Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation, supplementing the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 9/ adopted on 23 September 1971. Both countries signed the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988 and also its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 1988. 10/

52. Austria reported that it had ratified the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, 11/ and the Montreal Convention. Within the Council of Europe, the 1977 European Convention on the Suppression of Terrorism 12/ had also been ratified by Austria. In 1989, Israel signed an agreement with several Governments on co-operation in combating terrorism, drugs and organized crime. It is party to multilateral treaties on the prevention of terrorism in civil aviation.

53. Several countries, such as Austria, Israel, the Netherlands, Sweden, Togo and the United Kingdom, emphasized the importance of the early entry into force of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. 13/

I. Other initiatives

54. With reference to the implementation of the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, new regulations had been enacted in Sweden for a more efficient auditing of companies and for strengthening the competence of the district courts and courts of appeal in cases concerning economic crimes. In its draft customs code, the Soviet Union was implementing the recommendation of the Seventh Congress that liability for economic crimes should extend not only to natural persons acting on behalf of a particular institution but also to that judicial entity. The Government of Mexico reported that it had undertaken extensive measures to reduce the rate of unpunishable offences in the areas of tax fraud and illegal transactions involving credit and exchange institutions. The Philippines had adopted the following strategies to combat economic crimes: (a) intensive reorientation and retraining of the personnel of concerned agencies; (b) improvement of technical services through computerization programmes; (c) introduction of measures to reduce corruption; and (d) raising public awareness against corruption. In Austria, the Criminal Law Amendment Act 1987 empowered courts to seize profits acquired by transactions involving legal assets and to freeze assets in order to prevent their removal or concealment.

55. Three Governments described measures to protect the environment. Austria reported that the Strafrechtsänderungsgesetz 1987 updated and completed the criminal offences of the Penal Code in this area. Environment, animals and plants were qualified as legal values protected under criminal jurisdiction without regard to property rights or claims. Soil was expressly included. Even the causing of noise could, in serious cases, result in criminal prosecution. In Israel, a number

of new laws dealt with the pollution of the world's seas. The dumping of debris and spilling of oil were defined as punishable offences subject to particularly heavy fines, and supervisory bodies and inspectors had been installed to enforce those laws. In the Soviet Union, on 3 March 1988, the Presidium of the Supreme Soviet of the USSR adopted a decree on criminal liability for unlawful actions involving radioactive materials which amended criminal legislation to take into account the Soviet Union's obligations as a party to the Convention on the physical protection of nuclear materials.

III. CRIMINAL JUSTICE PROCESSES AND PERSPECTIVES IN A CHANGING WORLD

56. The Seventh Congress adopted four resolutions under this agenda item, relating to the effective organization of criminal justice systems and the administration of justice: fair treatment of women by the criminal justice system; prosecution; criminal justice systems - development of guidelines for the training of criminal justice personnel; and development of crime and criminal justice information and statistical systems.

57. In its resolution 6, the Seventh Congress recommended that the fair treatment of females should be a continuing and regular activity of the programme of work of the United Nations in the field of crime prevention and criminal justice work, and that, in the implementation of Congress resolutions, the particular situations of women should be recognized.

58. In its resolution 7, on prosecution, the Seventh Congress called upon the Committee on Crime Prevention and Control to consider the need for guidelines on the selection, professional training and status of prosecutors, their expected tasks and conduct, ways of enhancing their contribution to the smooth functioning of the criminal justice system and their role in criminal proceedings. The Eighth Congress will have before it proposed guidelines on the role of prosecutors recommended by the Committee on Crime Prevention and Control at its eleventh session (see E/1990/31, decision 11/116).

59. In addition to the active participation of many Governments in the elaboration of that draft instrument, some reported on measures already taken in line with the proposed guidelines. The Government of Iraq stated that appropriate training was provided to public prosecutors by enrolling graduates of law schools in the judicial institute for two academic years.

60. In Mexico, preparatory courses are regularly organized by the Office of the Attorney-General of the Republic for persons wishing to join the Department through the National Institute of Penal Sciences.

61. In order to increase the efficiency of prosecutors and to improve their legal and professional training, seminars and courses were organized in Rwanda or abroad. In Togo, upon graduation from the National Judicial College, prosecutors were given special training, including special courses and court placements abroad, particularly in France.

62. In response to resolution 8, entitled "Criminal justice systems - development of guidelines for the training of criminal justice personnel", Indonesia reported the establishment of an Academy of Corrections. In Kenya, measures had been taken to increase the professionalism of lawyers and police officers through more efficient training in law schools and police colleges. The Government of Iraq reported that it had devoted maximum attention to raising the standard of the criminal justice agencies, especially the police. It reviewed their structures, adopting modern methods of administration and organizational specialization. The Government of Poland stated that judges and other criminal justice personnel underwent both induction courses and permanent training, which was organized mainly by the courts, under the supervision of the Research Institute on Judicial Law.

63. In the Philippines, an Institute of Judicial Administration had been established under the supervision of the Supreme Court to train judges and court personnel. Through seminars, workshops and conferences, judges were kept abreast of developments in law. In Togo, the National School of Administration (Judicial section) recruited and provided comprehensive training for criminal justice personnel. In the United Kingdom, all police officers, whatever their specialization, received thorough training in community and race relations. The Home Office sponsored national courses for community liaison officers and police managers. Community and race relations were being fully integrated with training on other policing aspects to reinforce the principle that community liaison was central to good operational policing.

64. In resolution 9, entitled "Development of crime and criminal justice information and statistical systems", the Seventh Congress requested the Secretary-General to initiate work on the use of information systems in the administration of criminal justice for those Member States requesting such assistance and to report to the Committee on Crime Prevention and Control.

65. In the same resolution the Seventh Congress also recommended that the Committee should review the results of the United Nations surveys of crime trends, operations of criminal justice systems and crime prevention strategies and should identify problems experienced by Member States in responding to the survey and propose solutions thereto. An interim report (A/CONF.144/6), based on the preliminary analysis of information provided by 93 countries on the Third United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, will be before the Eighth Congress.

66. Also in the same resolution the Seventh Congress requested the Secretary-General to initiate work on the use of an information system in criminal justice administration. The Economic and Social Council, in resolution 1986/11, requested him to establish, in co-operation with the United Nations institutes and other entities concerned, a global crime and criminal justice information network, with the Crime Prevention and Criminal Justice Branch serving as focal point, including a mechanism for centralizing inputs from non-governmental organizations and scientific institutions.

67. Pursuant to those requests the Secretariat put into operation, in March 1989, the United Nations Criminal Justice Information Network, a computerized clearing

house for exchanging crime related information, including an electronic mailing system. The functions, goals and structure of the Network are outlined in the report entitled "Computerization of criminal justice administration" (A/CONF.144/14), which will be before the Eighth Congress.

68. Several of the responding Governments reported on the use of information systems in the administration of criminal justice and the development of national statistical data bases. The Austrian Federal Ministry of Justice, in co-operation with the Central Office for Statistics and the University of Vienna, was in the process of computerizing statistics on recidivist offenders. Work continued in Czechoslovakia on expanding the information base for criminal justice bodies and on reviews and analyses of the trends, dynamics and structure of criminality. Criminological research was playing an important part in these efforts. Providing more accurate information to the personnel participating in crime prevention was also proposed.

69. Israel reported that the Central Bureau of Statistics had published annual statistics on crime, courts, employment, population growth, urbanization, industrialization and housing. This data facilitated research on the interrelationships of criminality and socio-demographic factors. The Henrietta Szold Foundation, sponsored by the Ministry of Education and Culture, had set up a computerized data base on all social science research undertaken in Israel, including crime prevention and delinquency.

70. In 1988, the Soviet Union established, under the USSR State Committee on Statistics, a department of social statistics whose functions include the collection and analysis of state and departmental statistics on crime and convictions, administrative infractions, suicides, drunkenness and alcoholism. In the Byelorussian Soviet Socialist Republic, measures were being taken to develop the necessary data bases on crime and criminal justice.

IV. VICTIMS OF CRIME

71. The Eighth Congress will have before it two reports on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/3 and A/AC.57/1990/3), which summarize the efforts made to implement the Declaration. The Congress will also have before it a guide on the implementation of the Declaration (A/CONF.144/20).

V. YOUTH, CRIME AND JUSTICE

72. Five resolutions, including a new international instrument, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex), were adopted under this item. The Eighth Congress will have before it a report of the Secretary-General on the implementation of the Rules (A/CONF.144/4). The report contains information received from 51 Governments, as well as from United Nations offices, United Nations institutes and intergovernmental and non-governmental organizations concerned. The Congress will

also have before it a new set of guidelines for the prevention of juvenile delinquency and the draft rules for the protection of juveniles deprived of their liberty, as recommended by the Committee on Crime Prevention and Control at its eleventh session (see E/1990/31, decisions 11/117 and 11/118).

VI. FORMULATION AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIMINAL JUSTICE

73. Under this agenda item, two instruments were adopted at the Seventh Congress: the Basic Principles on the Independence of the Judiciary and the Model Agreement on the Transfer of Foreign Prisoners and recommendations for the treatment of foreign prisoners. 14/ The Eighth Congress will have before it a report of the Secretary-General on the implementation of the Basic Principles on the Independence of the Judiciary (A/CONF.144/19), based on replies of 72 States and several United Nations institutes and non-governmental organizations, and the fifth quinquennial report of the Secretary-General on the implementation of the Standard Minimum Rules for the Treatment of Prisoners (A/CONF.144/11), required by Economic and Social Council resolutions 663 C (XXIV) and 1984/47, which includes issues relating to the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, the status of prisoners and the human rights of prisoners. The report is based on replies from 49 Governments and several United Nations institutes as well as non-governmental organizations.

74. The Eighth Congress will also have before it the following reports prepared in accordance with the other resolutions adopted under this agenda item: report of the Secretary-General on extra-legal arbitrary and summary executions (E/AC.57/1988/5 and Corr.1 and 2), based on the replies of 57 States; (b) report on the implementation of the code of conduct for law enforcement officials (E/AC.57/1988/8 and Add.1/Rev.1), based on the replies of a total of 78 States; (c) the fourth quinquennial survey on capital punishment (E/1990/38/Rev.1 and Add.1), based on the replies of 60 countries; (d) report of the Secretary-General on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/9 and Corr.2), based on the replies of 74 Governments; and (e) report of the Secretary-General on alternatives to imprisonment and reduction of prison population (A/CONF.144/12), based on the replies of 70 Governments.

VII. CONCLUSIONS

75. The information contained in those reports should be complemented by the reports of the regional preparatory meetings for the Eighth Congress held in 1989 (A/CONF.144/RPM.1-5), which also reviewed implementation of the recommendations made by the Seventh Congress. They were attended by over 600 participants, representing 129 Member States, and their debates attest to the impact of those recommendations on national policies and practices.

76. Successful implementation depends above all on the efforts made by Governments within their domestic jurisdictions. Criminal code and procedure reforms have been

undertaken in recent years in a large number of countries and widely disseminated. The police, the judicial system and corrections systems are being restructured to strengthen their efficacy in upholding the rule of law. There is an evident trend towards decriminalization of minor offences so as to allow greater attention to be paid to the control of more serious crime. There is also an increasing use of non-penal measures and of alternative, non-custodial sanctions in an ever larger number of countries.

77. Member States have intensified their struggle against the most serious forms of crime, including organized crime, terrorism, illicit drug trafficking and environmental and economic offences. The promulgation and application of appropriate laws and regulations to control and combat those forms of crime have often resulted from international treaties and instruments.

78. However, developing countries have voiced their concern that they have to struggle against serious handicaps such as the lack of skilled personnel and the absence of training opportunities and of technological and material means. The economic crisis that they are facing has compounded the problem, as has the economic, social and human cost of crime, which is impairing sustainable growth and the quality of life.

79. The replies received underlined the interest in the United Nations advisory services and other types of aid and pointed out that national programmes had not always received appropriate international assistance. They also emphasized that the regional and interregional crime prevention institutes could play an important role in contributing to the successful implementation of the United Nations crime prevention and criminal justice programme.

80. The United Nations recommendations constitute a set of policy guidelines in the light of which Governments can assess and direct their own efforts. They also provide a basis for harmonizing national legislations and, increasingly, for viable co-operation between States. Effective future action, both nationally and internationally, requires that existing problems be recognized, that ways be found of overcoming them and that the commitment and assistance of the international community be fully mobilized.

Notes

1/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1).

2/ Ibid., chap. I, sect. A.

3/ Ibid., sect. B.

4/ See Official Records of the Economic and Social Council, 1986, Supplement No. 5 (E/1986/25).

Notes (continued)

5/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.

6/ General Assembly resolution 34/169, annex.

7/ United Nations, Treaty Series, vol. 520, No. 7515, p. 204.

8/ United Nations publication, Sales No. E.78.XI.3, p. 7.

9/ United Nations, Treaty Series, vol. 974, No. 14118.

10/ See International Maritime Organization documents SUA/CONF/15/Rev.1 and SUA/CONF/16/Rev.2.

11/ United Nations, Treaty Series, vol. 860, No. 12325.

12/ Council of Europe, European Treaty Series, No. 90.

13/ E/CONF.82/15 and Corr.2.

14/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.

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Forty-fifth session
Item 141 of the preliminary list*

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Letter dated 27 June 1990 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the text of a press release dated 15 June 1990 from the Ministry of Foreign Affairs of the Republic of Chad.

The press release was issued following serious violations carried out against the residences of Chadian diplomats in Tripoli by henchmen working for the Libyan special services during the night of 9 to 10 June 1990:

> This morning at 1130 hours, the Ministry of Foreign Affairs summoned the Secretary of the People's Bureau of the Socialist People's Libyan Arab Jamahiriya in order to deliver a strong protest by the Chadian authorities following the ransacking of residences of personnel of the Chadian diplomatic mission in Tripoli by henchmen of the Libyan special services.
>
> During the night of 9 to 10 June, individuals in civilian clothing transported by vehicles belonging to the Libyan police force broke into the residences of Chadian diplomats and proceeded to smash glass panes in doors and windows and damage the vehicles of diplomats parked in the courtyard.

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* A/45/50.

After committing this outrageous offence, the perpetrators calmly left in the same police vehicles. This premeditated incident, which is yet another of the many daily acts of harassment and provocation of which the members of the Chadian diplomatic mission are the victims, seriously impairs the relations of brotherhood and good-neighbourliness which the Chadian Government wishes to see established between the two countries.

The attitude of the Libyan authorities demonstrates once again the low value that they set on respect for rules and customs in international relations.

The Ministry pointed out that, under article 30 of the 1961 Vienna Convention on Diplomatic Relations, "the private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission."

Accordingly, the Ministry of Foreign Affairs, which treats the members of the Libyan People's Bureau in Chad with the respect that is due them, demanded that the same treatment should in turn be accorded to Chadian diplomats stationed in Tripoli.

The involvement of the Libyan security services in these violations of diplomatic immunity is evident, as demonstrated by the fact that the perpetrators were transported by Libyan police force vehicles.

By behaving in this manner, the Libyan Arab Jamahiriya, whose disregard for the rules and norms of international law is well known, has committed a serious breach of the principle of the inviolability of the residences of diplomatic agents set forth in the 1961 Vienna Convention on Diplomatic Relations.

Accordingly, my Government requests that this serious violation of diplomatic rules and customs should be brought to the attention of all the States Members of the United Nations. I should therefore be grateful if you would have this letter circulated as a document of the General Assembly under item 141 of the preliminary list.

(Signed) Mahamat Ali ADOUM
Ambassador
Permanent Representative

UNITED
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General Assembly Security Council

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GENERAL ASSEMBLY
Forty-fifth session
Items 23, 35 and 77 of the preliminary list*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 26 June 1990 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

> Again, the Israeli border guard attacked the village of Silwan, near Jerusalem, on 20 June 1990; killing three Palestinians of the ages 25, 17 and 57, and injuring ten of the residents of the village. The vicious attack of the Israeli army was carried out by the use of both live ammunition and rubber bullets, as well as a massive amount of tear gas that was used against the Palestinian unarmed civilians of the village of Silwan. The attack lasted for the consecutive period of two days non-stop. Currently, the village is under curfew.

We call upon the international community to take immediate action to stop Israel, the occupying Power, from continuing its atrocities against the Palestinian people. We further request that a statement be issued by the office of the

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* A/45/50.

Secretary-General condemning such acts of violence and calling upon Israel to abide by its legal international obligations, in conformity with the provisions of the Geneva Convention and the International Conventions on Human Rights.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under items 23, 35 and 77 of the preliminary list, and of the Security Council.

(Signed) Zuhdi Labib TERZI
Permanent Observer of
Palestine to the United Nations